

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Preparation for International)
Telecommunication Union World)
Radiocommunication Conferences)ET Docket No. 93-198

To: The Commission

COMMENTS OF STARSYS GLOBAL POSITIONING, INC.

STARSYS Global Positioning, Inc. ("STARSYS"), by its attorneys and pursuant to Sections 1.415 and 1.430 of the Commission's Rules, hereby comments on the Commission's Notice of Inquiry in the above-captioned proceeding, Preparation for International Telecommunication Union World Radiocommunication Conferences, FCC 93-328 (released June 28, 1993) ("NOI"). Specifically, STARSYS provides the Commission with its views on the matters to be discussed at the World Radiocommunication Conference ("WRC") to be held later this year ("WRC-93") for the purpose of recommending issues for inclusion on the agendas of the WRCs to be convened by the International Telecommunication Union ("ITU") in 1995 ("WRC-95") and 1997 ("WRC-97").

I. INTRODUCTION

STARSYS is one of three applicants for authority to establish a mobile satellite service ("MSS") system comprised of satellites in non-geostationary orbit (and associated ground segment) that would use radiofrequency spectrum in the 137-138

074

MHz, 148-149.9 MHz, and 400.15-401 MHz bands for the provision of what the Commission has labelled "Non-Voice, Non-Geostationary MSS" ("NVNG MSS") services. These frequency bands were allocated to the non-geostationary MSS, generally on a co-primary basis, at the 1992 World Administrative Radio Conference ("WARC-92"), and the Commission subsequently formalized the NVNG MSS allocation in its Report and Order in ET Docket No. 91-280, Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum to the Fixed-Satellite Service and the Mobile-Satellite Service for Low-Earth Orbit Satellites, 8 FCC Rcd 1812 (1993) ("Allocation Order"). STARSYS welcomes this opportunity to continue its participation in the development and advocacy of the MSS proposals of the United States Government.

In its NOI, the Commission noted that the following issue is to be included on the agenda for WRC-95: "facilitating use of frequency bands allocated to the mobile-satellite service." NOI, slip op. at 2-3 & n.5. Although the Commission omitted the NVNG MSS bands from its listing of MSS bands affected by the actions at WARC-92, STARSYS nevertheless is proceeding upon the assumption that this was an oversight, and that all MSS services are encompassed by the WRC-95 directive.

As explained below, STARSYS believes that the United States Government must begin at WRC-93 the process for securing additional spectrum for NVNG MSS systems world wide. Although the Commission is concerned that proposals for changes to the

WARC-92 MSS allocations be fully justified, inasmuch as WRC-93 is being convened just 20 months or so after the conclusion of WARC-92 (see NOI, slip op. at 5), the limited amount of available spectrum and the growing number of parties that have expressed an interest in establishing NVNG MSS systems fully support STARSYS's plea that the Government must now begin the process of allocating additional spectrum for use by NVNG MSS systems. Thus, at WRC-93, the Commission should seek to initiate the process for allocating additional NVNG MSS spectrum internationally, in addition to establishing an agenda for addressing the issues engendered by Resolutions 46 and 70. Both actions are necessary for the successful implementation of NVNG MSS systems and the innovative and beneficial services they will provide.

II. DISCUSSION

The WARC-92 NVNG MSS allocations, as implemented by the Commission in the Allocation Order, should permit STARSYS and the two other pending U.S. NVNG MSS system applicants to establish systems (albeit at capacity levels that are reduced from those specified in the initial applications). The WARC-92 allocations also provide opportunities for future entry by additional U.S. and internationally-sponsored systems.

The Commission is committed to fostering multiple entry into the NVNG MSS frequency bands. This includes not only the

See Allocation Order, 8 FCC Rcd at 1816 (the Commission's "objective is to accommodate the three proponents that have applied for a spectrum allocation for [NVNG MSS] and possibly a second generation of licensees"). To date, three non-applicant U.S. companies -- LEOSAT Corporation, dbX Corporation, and Leo One Corporation -- have expressed interest in applying for NVNG MSS system authorizations in future processing rounds.

In the negotiated rulemaking sessions that the Commission convened in CC Docket No. 92-76 for parties interested in the establishment of the NVNG MSS, extended discussions were held concerning the prospects for future entry beyond the three initial applicants. The Below 1 GHz LEO Negotiated Rulemaking Committee (the "Committee"), taking note of the limited amount of spectrum available for NVNG MSS services, agreed that sharing was possible, but was unable to achieve unanimous agreement on a precise sharing plan. Report of the Below 1 GHz LEO Negotiated Rulemaking Committee, CC Docket No. 92-76, at 7 (September 18, 1992). Discussing the two sharing plans that had been introduced during the sessions, the Committee reported that "the proposed sharing plans can accommodate additional users now, but it is unclear how many or what size those other systems could be.

. . . [S]ystem operators and applicants will have the opportunity to seek additional frequency allocations at future WARC's for system expansion" Id. at 7. The Committee's Report was embraced by the Commission in its notice of proposed

rule making in CC Docket No. 92-76. See Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Non-Voice, Non-Geostationary Mobile-Satellite Service, FCC 93-28, slip op. at 6-7 (released February 10, 1993).

The existence of multiple putative entrants demonstrates the market potential for NVNG MSS services. The successful establishment of the inherently global NVNG MSS systems will have significant positive trade implications for the United States, and will maintain the leadership of the U.S. satellite industry. As the United States was the motivating force behind the NVNG MSS allocations at WARC-92, so too should the Government take the lead in ensuring that additional spectrum is made available as soon as possible.

Accordingly, STARSYS urges the Commission and the

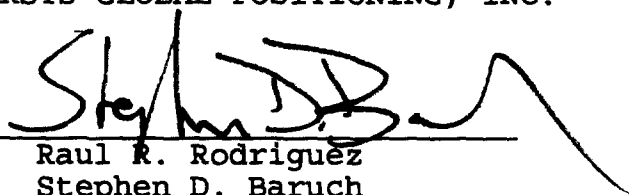
III. CONCLUSION

WRC-93 presents the Commission and the United States Government with the opportunity to seize upon the MSS service initiatives they were so successful with at WARC-92. In view of the substantial interest that has been expressed in the NVNG MSS service by U.S. entities alone, STARSYS urges that the identification and allocation of additional spectrum for nongeostationary MSS services be made an order of business for WRC-95, along, of course, with the resolution of the open issues for nongeostationary MSS services that are to be addressed pursuant to Resolutions 46 and 70. It therefore asks the Commission and the U.S. Government to recommend the taking of actions necessary to achieve these objectives.

Respectfully submitted,

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